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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
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11 UNITED STATES OF AMERICA,
12
Plaintiff,
13 v.
14 FREDERICK SIMS,
15 Defendant.

Case No. 3:12-cr 0062 -WHA

STIPULATION AND ~~PROPOSED~~ ORDER
TEMPORARILY RELEASING
DEFENDANT TO ATTEND FUNERAL

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18 **I. STIPULATION¹**
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20 On February 10, 2012, based on the parties' agreement, Magistrate Judge James released
21 Mr. Sims on an unsecured bond. Mr. Sims performed well on pre-trial release and remained out
22 of custody until last week when he pled guilty. Because the conviction was under the Controlled
23 Substances Act, per 18 U.S.C. § 3143 (b) Mr. Sims was remanded into Marshal custody pending
24 sentencing. Yesterday Mr. Sims's mother died. The funeral is set for next Wednesday, April 25,
25 2012. The parties therefore stipulate and agree as follows: The Marshals shall release Mr. Sims
26 on Tuesday, April 24, 2012. Mr. Sims must turn himself in to the Marshals by 2:00 pm on

27 ¹ This stipulation is being presented to the district court instead of the magistrate because, under
28 18 U.S.C. 3141(b), a judicial officer of a court of original jurisdiction must order the release of
someone detained pending sentencing.

1 Thursday, April 26, 2012.² The Marshals may remand Mr. Sims into custody without further
2 hearing from this Court. While Mr. Sims is released from custody, he must abide by the
3 conditions of release set by Judge James in her February 10, 2012 Order, as amended by Judge
4 James's February 23, 2012 Order.

5 Pre-trial services officer Josh Libby has been informed of this request and does not
6 object.

7 It is so stipulated.

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9 Dated: April 18, 2012

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11 By: /s/
12 GALIA A. PHILLIPS
Attorney for Defendant
FREDERICK SIMS

13 Dated: April 18, 2012

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15 By: /s/
16 KEVIN BARRY
Assistant United States Attorney

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26 ² The parties request that Mr. Sims be released the day before the funeral because, according to
27 the Marshals, the jail may not release Mr. Sims until late at night on the day he is ordered
28 released. The parties request that Mr. Sims turn himself in the day after the funeral because the
Marshals need Mr. Sims to turn himself in by 2:00pm and the funeral is at 11 am. If Mr. Sims is
required to turn himself in the day of the funeral, he will miss part of it.

II. ORDER

GOOD CAUSE APPEARING, The Marshals shall release Mr. Sims on Tuesday, April 24, 2012. Mr. Sims must turn himself in to the Marshals by 2:00 pm on Thursday, April 26, 2012.³ The Marshals may remand Mr. Sims into custody without further hearing from this Court. While Mr. Sims is released from custody, he must abide by the conditions of release set by Judge James in her February 10, 2012 Order, as amended by Judge James's February 23, 2012 Order.

IT IS SO ORDERED.

Date: April 20, 2012.



William Alsup
UNITED STATES DISTRICT JUDGE